

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
MARVEL WORLDWIDE, INC., :
MARVEL CHARACTERS, INC. and :
MVL RIGHTS, LLC, :
:

Plaintiffs, :
:

- against- :
:

LISA R. KIRBY, BARBARA J. KIRBY, :
NEAL L. KIRBY and SUSAN N. KIRBY, :
:

Defendants. :
-----X

Civil Action No. 10 Civ. 141 (CM) (KNF)

:LISA R. KIRBY, BARBARA J. KIRBY, :
NEAL L. KIRBY and SUSAN N. KIRBY, :
:

Counterclaimants, :
:

- against- :
:

MARVEL ENTERTAINMENT, INC., :
MARVEL WORLDWIDE, INC., :
MARVEL CHARACTERS, INC., :
MVL RIGHTS, LLC, :
THE WALT DISNEY COMPANY, :
and DOES 1 through 10, :
:

Counterclaim-Defendants. :
-----X

**PLAINTIFFS' AND COUNTERCLAIM-DEFENDANTS' NOTICE OF MOTION TO
STRIKE DEFENDANTS' AND COUNTERCLAIM- PLAINTIFFS' JURY DEMAND**

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law and
accompanying Declaration of Jodi A. Kleinick dated January 27, 2011, Plaintiffs and
Counterclaim-Defendants Marvel Worldwide, Inc., Marvel Characters, Inc. and MVL Rights,
LLC, Marvel Entertainment, LLC (sued herein as Marvel Entertainment, Inc.) and The Walt

Disney Company hereby move the Court, before the Honorable Colleen McMahon, United States District Judge, United States District Court for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York for an order pursuant to Rule 39(a) of the Federal Rules of Civil Procedure striking the jury demand of Defendants/Counterclaim-Plaintiffs Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby and Susan N. Kirby.

Dated: January 28, 2011

By: /s/ Jodi A. Kleinick

WEIL, GOTSHAL & MANGES LLP

James W. Quinn

R. Bruce Rich

Randi W. Singer

767 Fifth Avenue

New York, NY 10153

Tel: (212) 310-8000

Fax: (212) 310-8007

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Jodi A. Kleinick

75 East 55th Street

New York, NY 10022

Tel.: (212) 318-6000

Fax: (212) 319-4090

HAYNES AND BOONE, LLP

David Fleischer

1221 Avenue of the Americas, 26th floor

New York, NY 10020

Tel: (212) 659-7300

Fax: (212) 884-9567

Attorneys for Plaintiffs/Counterclaim-Defendants